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COMMUNIST AND NONCOMMUNIST PRESS REACTION
TO THE AUERBACH CONTROVERSY

[Comment: The conviction on 14 August 1952 in Munich, Germany, of Philipp Auerbach, former Jewish Bavarian Restitution Commissioner, by a German court on charges of misappropriating hundreds of thousands of German marks belonging to Jewish victims of Nazism and his subsequent suicide caused a turmoil not only in Germany but in the entire world.

This case was not closed with the death of the erstwhile defendant, and opinions expressed in newspapers everywhere are still being discussed. It was pointed out in many papers that a grave error was perpetrated by postwar Germany in allowing former Nazis to act as judges in the trial of a Jew.

The Communist press did not let the opportunity pass without blaming the US government for this so-called "gross miscarriage of justice" and condemning US and Israeli negotiations with "neo-Nazi" Germany, where, it asserted, a new approach to anti-Semitism had been initiated.

The following report deals primarily with the reaction to the trial, sentence, and suicide of Auerbach by Communist and non-Communist newspapers available in CIA, published between 10 March 1951 and 30 September 1952. All information was obtained from the press of Germany, Austria, and other European countries, as well as from that of Israel and the Diaspora.

Numbers in parentheses refer to appended sources.7

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I. THE FACTS OF THE CASE

According to the 17 August 1952 Neue Ruhr-Zeitung, an Essen, Germany, newspaper, Philipp Auerbach, born in Hamburg on 8 December 1906, concentration camp inmate during the Hitler period, held high positions in Germany after 1945, such as those of Oberregierungsrat in Duesseldorf, Bavarian State Commissioner for Racial and Religious Victims in Munich until November 1948; then, counselor of the Bavarian Restitution Office in Munich; and finally, head of the Restitution Office of Bavaria, also in Munich, which position he held until March 1951.(1)

According to the newspaper Frankfurter Rundschau of 10 March 1951, on 9 March 1951, Philipp Auerbach was dismissed on a charge of malfeasance from his post as head of the Bavarian Restitution Office by Dr Rudolf Zorn, Bavarian Minister of Finance.(2) On 10 March 1951, according to the same paper of 11 March 1951, Auerbach was arrested for embezzlement and bribe-taking, according to an official announcement by Senatprasident Hartmann of the Bavarian Administrative Office.(3) The 17 August 1952 issue of the Vienna daily newspaper Neues Oesterreich said that a few days later, Auerbach was placed in the prison hospital at Stadelheim for diabetes and a serious kidney ailment. He was under constant medical treatment until his conviction on 14 August 1952.(4)

On 14 August 1952, according to the 18 August issue of the daily newspaper Nurnberger Nachrichten, after a trial which had lasted several months, Philipp Auerbach was sentenced by a German court headed by a former member of the Nazi Party (5) to 30 months imprisonment and fined 2,700 Deutsche marks, reported the Berlin daily newspaper Der Tagesspiegel of 15 August 1952. He was convicted of embezzlement, perjury, disloyalty, passive bribery, attempted extortion, and illegal use of the doctor's title, the paper said. Dr Aaron Orenstein, Chief Rabbi of Bavaria, and two others were also convicted as Auerbach's accomplices wrote the paper.(6) On 15 August 1952, Auerbach committed suicide by taking an overdose of sleeping pills, according to the 17 August 1952 Vienna daily newspaper Arbeiter Zeitung.(7) His funeral was the scene of rioting by demonstrating Jewish participants, German police used water hoses on them and made several arrests, reported the Vienna daily newspaper Die Presse of 20 August 1952.

II. NONCOMMUNIST PRESS REACTION

After Auerbach was sentenced, and prior to his suicide, many non-Communist newspapers in Germany, Austria, Switzerland, Denmark, Holland, and Norway felt that the judgment had been too severe. On the other hand, several non-Communist papers in various countries expressed the opinion that the judgment was justifiable. After Auerbach committed suicide on the day following his sentence, however, many newspapers expressed shock and indignation over this event and demanded that an investigation be made into the background of the trial.

A. Reaction in Germany

1. Comments

The Süddeutsche Zeitung of 16 August 1952 pointed out that Auerbach was the victim of a court which refused to implicate the many other government officials involved in this case. It asserted that the responsible government men in Bavaria were at fault for not having realized that it was impossible to

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employ a man like Auerbach for such work. The paper further stated that Auerbach's downfall was inevitable because of his character but felt that his downfall should not have been the result of such a trial, since the world had not yet forgotten Auschwitz and Belsen.(9)

On 18 August 1952, the same paper expressed the opinion that the Auerbach case would not have occurred, had Germany made generous proposals regarding voluntary restitution after the war. From the very beginning, this shortsightedness on the part of Germany was a strike against the subsequently established restitution program, declared the paper. The paper emphasized that Auerbach had done his task in the only way in which it could be done under the given circumstances.(10)

The Frankfurter Neue Presse of 15 August 1952 also asserted that Auerbach's sentence was too severe and quite unexpected. It declared that the court should have considered the illness of Auerbach, his past history of suffering under the Nazi regime, and the unusual circumstances regarding his position. It pointed out that many people expected a verdict of not guilty or a mild sentence for minor offenses. The newspaper opined that it was hardly possible for anyone to understand the position of a man deprived of all his rights for years who suddenly received power and recognition.(11)

In an editorial in the Frankfurter Rundschau of 15 August 1952, Ludwig Steinkohl described the sentence of Auerbach as a severe judgment for a man who, despite hardships suffered under the Nazi regime, took over one of the most difficult tasks in the German government. Among other things, Steinkohl stated:

"Certainly, nobody expected Auerbach to be acquitted of all the charges; still, it was expected that notice would be taken of the bitter years he had spent in concentration camps. It was up to the Munich court to honor his accomplishments. Auerbach's only consolation is that the last word has not been spoken."(12)

In a feature article in the Neue Ruhr-Zeitung of 16 August 1952, H. Simecek asserted that the Auerbach trial had not been conducted to the satisfaction of the public. He stated further that the closed case still remained shrouded by the embarrassing fact that the entire political implications have not been clarified and that all the witnesses did not give complete testimony. He added that it was too bad that the case had to end the way it did.(13)

Otto Pongratz wrote a feature article in the Neue Ruhr-Zeitung of 15 August 1952, which, among other things, stated that during the first weeks of the trial, an impartial spectator could have gained the impression that a drive against Auerbach had started, even prior to the trial. Pongratz intimated that Dr Mulzer's [presiding judge at trial] declaration early in the trial that the case concerned only the criminal guilt of the accused and had nothing to do with politics was an unnecessary statement, since the question of criminal guilt naturally brought up the political background of this case, as attested to several times by Joseph Klibansky, Auerbach's defense attorney, during the trial.

Pongratz critically pointed out that the court had committed a faux pas by setting the date of the trial during the Passover holiday period.(14)

The Frankfurter Neue Presse of 18 September 1952 asserted that there is no doubt that those men whose judgment was perhaps the straw which broke the camel's back wanted to test their conscience as judges most vigorously. However, it would be too simple to seek the cause of the last chapter of this tragedy in the judgment alone, the paper pointed out. The paper declared that there are persons in Bavaria who are interested in establishing the wickedness of Jews and who have more cause to test their conscience. The paper added that those persons who found satisfaction in the unfavorable things said about Auerbach during the trial had contributed to his death. The paper concluded that the least that can be done now for Auerbach is to forgive him for his death and to try to make the best of the situation to the extent that this is still possible (15)

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On the other hand, highly critical of Auerbach's action, the "Munchner Merkur" of 15 August 1952 pointed out that the judgment showed that Auerbach had used his power illegally whenever legal means failed. It also stated that the appointment of Auerbach to his position had been an inexcusable mistake. The paper declared that the majority of the Bavarian people, who before the trial had accepted their payment of reparations for Nazi crimes as a self-evident duty, would not do so to the same extent in the future. The paper emphasized that it was quite natural to turn Auerbach's case over to a German court but warned that it was not natural to accuse Jewry on an equal basis with the accused in the case, which, it declared, constituted not only a malicious but also a very dangerous action.(16)

The Nürnberg Nachrichten of 20 August 1952 credited one of the jury members in the Auerbach trial with saying that Auerbach's trial was justified but unsatisfactory because of the conflict between law and right. According to the paper, the witness also asserted that legal provisions calling for some deviations from the law should have been instituted for the post-war years.

The same paper also carried a feature article which emphasized that Auerbach had many enemies, including all those persons who do not believe in the Bavarian restitutions provisions. The paper pointed out that except for the offenses of which Auerbach was accused, the judge regarded him as a technically efficient and diligent public servant. The paper then concluded that it was not surprising that the general population hated a person who had helped so many thousands to live a better life than they, especially since many of the former were non-Germans, including Jews, of course.(17)

On the other hand, the Hamburger Freie Presse wrote that the court deserved credit for having kept the trial within its proper criminal scope. It asserted that the judgment was in accordance with the criminal evidence and that there was no doubt that Auerbach had conducted his work with an unbelievable neglect for formal regulations.(18)

The Tagesspiegel of 17 August 1952 asserted that the Auerbach tragedy had caused great confusion. The paper declared that there is no doubt that those circles abroad which were opposed to the trial will now see Auerbach as a victim of German justice, especially in view of his farewell letter protesting his innocence. The paper also expressed the opinion that Auerbach was convinced that he had to draw the tragic consequences of the Munich judgment, when he said in his final speech that it was possible that he had done several things in his position which had not been quite aboveboard, even though he had had honorable intentions.(19)

The Rhein-Neckar issue of 18 August 1952 described the gravity of the atmosphere created in Germany by the Auerbach case and expressed the hope that his suicide would not lead to new discord between Jews and Germans, even if the judgment does not stand up after investigation. The paper established that in the final analysis, Auerbach, as well as the court members, are all human beings and therefore subject to human error.(20)

The Welt am Sonntag of 18 August 1952 wrote that Auerbach was not a martyr. The paper pointed out that the accusations against Auerbach were apparently justified from the criminal viewpoint, and the intention of the judges to be objective could not be denied; however, the paper admitted that Auerbach had to do questionable things to accomplish what he wanted.(21)

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The Allgemeine Zeitung für Württemberg of 18 August 1952 pointed out that Auerbach was condemned according to the law. However, the paper added, Auerbach's death acted as a boomerang to the accusation and the judgment, which the judges and the accusers now have to justify before their own consciences.(22)

The Nürnberger Nachrichten of 18 August 1952 brought out that reliable Social Democratic circles in Bonn had reported Auerbach's suicide to be proof of his sincerity with regard to his position as head of the Bavarian Restitution Office and was the result of the "terrifically hard judgment" against him.

The paper then quoted the Bonn Social Democrats as having said: Although the attempt of the court to be objective cannot be denied, it can be doubted whether some on the jury could think without prejudice. It is a matter of record that Auerbach, a concentration camp inmate for years, was tried by a court headed by a former member of the Nazi party.

The paper then declared that the fact that Auerbach was a Jew will be emphasized in connection with this judgment outside of Germany, and it will call to mind the millions of Jews who were murdered during the Nazi era for no other reason than that they were Jews.(5)

The Rheinische Post of 18 August 1952 asserted that the Auerbach case will have world-wide reverberations, since Auerbach's being a Jew will be stressed. The paper declared that the reaction of Auerbach's friends is understandable because of the grief caused by his sudden death. The paper then pointed out that Auerbach's death revives the memory of millions of Jews murdered during the Nazi period and brings up the question as to whether Auerbach was a belated victim of Nazi madness. It cannot be denied that Auerbach was a victim of turbulent times, concluded the paper.(23)

According to the Neue Zeitung of 19 August 1952, Hermann Pröbst, head of Internal Political Department of the Süddeutsche Zeitung, in a weekly commentary over Radio Bavaria, had this to say, among other things, about the Auerbach suicide: "Auerbach died in despair. He did not want to outlive the judgment against him. It is no secret that during the trial, he suffered unbearable pain, which would have given him the right to postpone the trial. However, he was determined to hold out until the judgment was spoken. His belief in this world's justice was destroyed."(24)

The Telegraf of 18 August 1952 maintained that a superficial consideration of the case would make it seem as though Auerbach's suicide confirmed his guilt; however, a closer investigation would reveal that this was not so. Since it was evident during the trial that Auerbach was surrounded by political intrigue, the paper said, it is possible that this was the reason for his losing nerve and committing suicide. It would be regrettable if the anticipated investigation of the tragic end of this trial were to increase the already existing political tension, the paper concluded.(25)

Regarding Auerbach's suicide, Hans J. Reinowski wrote in the Darmstädter Echo of 18 August 1952 that such action resulting from the judgment makes fair-minded Germans uneasy and doubtful. Among other things, he asserted: "It is the duty of our German legal authorities to investigate the judgment and to determine whether it was in error. We Germans owe this not only to Auerbach and his Jewish fellow sufferers but also to ourselves and to the world. Under no circumstances should the Auerbach case lead to a new disagreement between Germany and other nations. We must prove to everybody that we are no anti-Semites, no Jew haters and no Jew murderers. Those people who again try to spread anti-Semitic propaganda should be stopped, and those who permit it are neither good Christians nor good Germans. We must stress that dark chapter in German history and make efforts to create better relations between ourselves and our Jewish fellow citizens. Auerbach should be the last victim of racial discrimination."(26)

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The Süddeutsche Zeitung of 18 August 1952 pointed out that the background of the trial against Auerbach needed clarification. The paper asserted that Auerbach had renounced his appeal by seeking death, and concluded that the case demanded a political answer.(27)

The Frankfurter Rundschau of 18 August 1952 carried an article by Karl Gerold entitled "Call of the Dead," which expressed the hope that the future would clearly determine how and in what infamous manner political and personal traps were planted against Auerbach. Gerold, greatly aroused, pointed out that Auerbach died mentally broken because the court had sentenced him for profiteering on evidence brought forward by witnesses of very doubtful character. The writer declared that when Auerbach was under investigation and when he died, he did not have any money at all. Quoting Auerbach's statement, "I am innocent," in his farewell letter to his wife, Gerold asserted that this last call of the dead, who had to die because personal honor was destroyed, must not be disregarded.(28)

2. Letters to the Editor

[Varied reaction to the Auerbach trial and suicide by individuals in the Federal Republic of Germany can be found in the following extracts of letters, which they had submitted to editors for publication.]

In one letter, published in the Neue Zeitung of 27 August 1952, Dr. Fritz Reuss of Burghausen/Oberbayern (Upper Bavaria) asserted that Auerbach's suicide as the result of the judgment passed against him was one of the most tragic incidents in postwar Germany. He declared further: "Injustice was done, not from the judicial but from the humanitarian viewpoint. This judgment destroyed a man who had just as many faults as anybody else, but who was clever, diligent, and always ready to lend a helping hand, despite his many years of dreadful physical and mental suffering. Auerbach's death calls for a thorough clarification of many questionable incidents, including the political and financial intrigues involved in this case.(29)

In another letter to the Neue Zeitung of 27 August 1952, Dr. Karl-Heinz Plaas of Lindau stated that the disproportion between guilt and punishment in the Auerbach case was very disturbing to all decent people. He declared as unimportant the misuse of a doctor's title by a man [Auerbach] who had brought millions into the Bavarian treasury. He further asserted that it was not necessary for the judge to impose another prison term on this very sick man who had already been unjustly imprisoned for over a year. He concluded that sympathy cannot bring this man back to his family and expressed the hope that the death of Auerbach would not cause another hate wave between Germans and Jews but rather lead to a conciliation between them.(29)

Still another reader, who preferred to remain anonymous, pointed out in his letter published in the Nürnberger Nachrichten on 23 August 1952, that the judgment against Auerbach and his suicide can only harm the Germans in the eyes of the world. He also declared that since the Germans are fighting for equality, they should avoid anything connected with the horrible racial laws to prove to the world that the German people were never connected with these dictatorial measures. He concluded that Germans do not have to become personal friends of Jews, Poles, Russians, or Chinese, but that they do have to be friends of all human beings to be good Germans.(30)

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In another letter, Dr F. G. Fürth, a physician [residence not given], published in the Neue Zeitung of 27 August 1952, asserted that in his opinion, all court members who formerly belonged to the Nazi party should have withdrawn from the Auerbach case because of possible prejudice. He firmly pointed out that former Nazi party members cannot be entirely free of all prejudice even today and they could not possibly have judged properly a prominent man like Auerbach. (29)

Another anonymous reader stated in the 23 August issue of the Nürnberg Nachrichten 1952, that Auerbach may have made mistakes and perhaps not always acted correctly in various instances, but that more was involved in this case than met the eye. He wrote that Auerbach, a Jew, was eliminated to pacify neo-Nazism, which is again in evidence in Germany. He expressed the opinion that the suffering of Auerbach during 1933 - 1945 should have been taken into consideration, which, in effect, would have diminished the severity of his offenses. He concluded that the really guilty ones are those persons hiding behind the scenes. (30)

Expressing disbelief in the over-all guilt of Auerbach, Franz Höferer, retired Landrat of Oberland/Niederbayern (Lower Bavaria), wrote in his letter, published in the Neue Zeitung of 27 August 1952, how in 1947, when the small concentration camp cemetery was being established in Mallersdorf, Auerbach had helped him to combat Jewish intruders who were pilfering carloads of building material and goods. He pointed out that Auerbach at the time had bitterly criticized the action of these Jews as being sacrilegious and had felt that the severest punishment was too small for people like these who profiteer from the dead. (29)

On the other hand, one unidentified reader stated in his letter published in the Nürnberg Nachrichten of 23 August 1952, that he could not condone Auerbach and that, moreover, he could not understand why so much "fuss" was being made over one man. He declared: "Auerbach committed suicide because of despair, a bad conscience, and a judgment against him, which stopped his further plans." (30)

Another reader asserted in an anonymous letter published in the Nürnberg Nachrichten of 23 August 1952 that Auerbach was not innocent, but that his superiors should also have been sentenced, since they were at fault in their supervisory capacities. He also stated that the whole truth of the Auerbach case had not been properly explained by the German newspapers. (30)

In another letter published in the Neue Zeitung of 27 August 1952, Willi Höck of Hamburg stated that the radio announcement that the police would investigate whether Auerbach "perhaps erroneously" took too many sleeping pills, although he left an explicit farewell letter, gave rise to the thought that perhaps someone was trying to clear his conscience from the responsibility of Auerbach's suicide. (29)

B. Reaction in Austria

The Vienna Neue Wiener Tageszeitung of 15 August 1952 described the Auerbach trial proceedings as passionate haranguing between defense and prosecution. It pointed out that the trial became a political issue to the disadvantage of German justice, primarily as a result of the alleged "prejudice" charged by Auerbach's defense attorney, Dr Klibansky. The paper concluded that the court incidents are meanwhile forgotten and that the trust in German justice has remained unmolested, despite a somewhat deceitful press campaign in German newspapers. (31)

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The Vienna Weitpresse of 16 August 1952 stated in effect:

"The question as to whether such a severe judgment would have been passed in countries outside of Germany is still being raised. Discrimination against Jews has already been charged and it will take very little for the Auerbach case to start either pro- or anti-Semitic violence. Thus, the most interesting trial in Germany could become the most uncomfortable trial of postwar times."(32)

The Vienna Neues Oesterreich of 15 August 1952 also referred to the Auerbach trial as one of the most uncomfortable affairs in recent times.(33)

On the other hand, the Vienna Arbeiter Zeitung of 17 August 1952, after lengthily discussing the background of the trial, concluded that the trial against Auerbach left many things unclarified, but that Auerbach's death spared Bavarian justice many embarrassments.(7)

According to the Salzburger Nachrichten of 17 August 1952, leading Jewish circles in Germany considered the Auerbach judgment as very hard and unjustified.(34)

C. Reaction in Israel

Regarding the Auerbach case, the Tel Aviv Dapim of 22 August 1952, a Mapai-sponsored newspaper, admitted that differences of opinion could be expected concerning whether German courts should have the right to sentence Jews in postwar Germany. However, it pointed out, it is inconsistent for Jews who agreed to remain in postwar Germany to claim immunity from the prevailing German laws. Especially questionable, continued the paper, is the claim for exemption from German court proceedings by Jews such as Auerbach, whose conscience has allowed them to become German government officials.

Nevertheless, the newspaper stated further, since Auerbach was no Zionist who would naturally object to being in non-Israeli government service, it is understandable why he, an ambitious, talented, and self-confident man, was tempted to fill such an important position in Germany after the war.

In conclusion, however, Dapim asserted that Auerbach should have realized that Germany was not ready to accept him objectively in a government position in postwar Germany so shortly after the Hitler period.(35)

The Tel Aviv Yedioth Hayom of 18 August 1952 expressed the fear that the Auerbach case would undermine the position of the Jews in Germany (36), while the Jerusalem Post of this date stated that a conclusive opinion could not be formed without knowledge of the records.(37)

D. Reaction in Other Countries

The Dutch newspaper Het Parool, in August 1952, as reported by the Neue Zeitung of 20 August 1952, severely criticized the entire trial against Auerbach and concluded as follows: "Regardless of whether Auerbach is innocent or not, the more important question arises as to how doubt in German justice can be eradicated. Despite the personal correctness of the judges, this trial certainly did not strengthen the belief of the general public in German justice."(38)

At the same time, the Danish newspaper Ekstrabladet, as reported by the Neue Zeitung of 20 August 1952, asserted that even though Auerbach may not be free of guilt, he should not have been humiliated by former Nazis [referring to some of the judges who were formerly Nazis]. This would indicate, the Danish paper said, according to the Neue Zeitung, that there is a poor approach toward justice in the new Germany (39)

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The Norwegian newspaper Verdens Gang, as reported by the Neue Zeitung of 20 August 1952, brought out that the general feeling prevails everywhere that Auerbach did not get a fair trial. The paper asserted that it was stupid and inappropriate to let a Jew be judged by a former Nazi, especially in such a delicate and complicated case. The paper then stated that according to the German press, there are indications that anti-Semitism is not dead in Germany. It would be of primary importance for the new republic, the Norwegian paper pointed out, according to the Neue Zeitung, to see to it that this impression does not gain ground. (40)

The Basel National Zeitung of 20 August 1952 asserted that the Auerbach judgment was shockingly hard and tendentious and created the impression that the court wanted to satisfy those who hated Auerbach. This judgment, stated the paper, has made the German public realize that housecleaning of judges is necessary and that former members of the Nazi party cannot properly judge victims of the Nazi regime. (41)

Pointing out that Auerbach had been sentenced for embezzlement and bribery, New York's German-language Staats-Zeitung und Herold of 16 August 1952 asserted that since Auerbach himself, as well as his lawyer, confirmed that the trial was fair, it was difficult, or even impossible, to come to another conclusion. [Auerbach had stated before the sentence was passed that the trial was fair.] However, in defense of its former agreement with circles in Germany who tried to effect the discontinuance of the trial or its transfer to another court, the paper pointed out that such a solution would have been desirable because then, not only Germany's reputation in the world would have been spared from possible attack, but also the charges of the defense counsel that the trial was only conducted to "sabotage reparations" would have been refuted. (42)

Later, however, Kurt R. Grossmann, who claims first-hand information about German political affairs, wrote in the 20 August 1952 issue of the Staats-Zeitung und Herold that when at the end of the trial, Auerbach declared it to be fair, he obviously hoped that the court would come to mild terms, but that he lost faith when the court passed the sentence. Grossmann asserted that despite the judgment, he did not believe Auerbach was to blame and felt that during the trial, Chief Justice Mulzer was prejudiced to the point of hating Auerbach, who reminded him of the unpleasant past. The writer also pointed out that the trial was the result of an unstable political setup in Bavaria, which Auerbach, as an outsider [he had come to Bavaria from Duesseldorf in 1947], could not penetrate. Moreover, the writer accused the state of Bavaria of having perpetrated irregularities itself and concluded that displaced persons who had received only 450 out of every 1,000 German marks due them as restitution were entitled to sue both the state of Bavaria and Auerbach, who actually deserved a commendation from Bavaria for the excellent manner in which he carried out the state's order. (43)

Extreme indignation was expressed by Dr S. Margoshes, who asserted in the New York Yiddish-language daily Der Tag of 23 August 1952 that the blame for Auerbach's death, while attributable to the Germans, is shared in part by the US occupation authorities, as it was they who, in the first place, had been responsible for Auerbach's appointment to the post of Bavarian Restitution Commissioner. Therefore, Auerbach should have been tried by an Allied tribunal rather than by a German court, Margoshes complained; then, whatever the outcome, public opinion would have been assured that the accused had had a fair trial.

The writer then brought out that even some German circles, including the German Social Democratic Party, concede that it was a mistake to have a Jew, a former inmate of a Nazi concentration camp, tried by a court composed of former Nazi Party members.

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In conclusion, Margoshes demanded that the case be appealed to a higher court, if for no other reason than to clear Auerbach's name. He added: "Surely, the Nazi judges who hounded him to death should not be permitted to have the last word." (44)

On 17 August 1952, Der Tag prominently quoted the London Manchester Guardian as having said in effect: It is questionable whether the Auerbach trial was advisable or even justifiable from the moral and political viewpoint. The re-appearance of the German past during the present period does not make a pacifying impression on the surrounding world. The most recent events in Bavaria show that the old anti-Semitic spirit of National Socialism is by no means dead. (45) The Manchester Guardian was also quoted in the same vein in the Frankfurt Neue Zeitung of 20 August 1952 (46) and in the Vienna Arbeiter Zeitung of 17 August 1952. (7)

The following was extracted from a statement published in the New York Staats-Zeitung und Herald of 21 August 1952, which was made by Dr Otto Simon of New York, who had lived in Germany many years and practiced law there: "The tragedy of the Auerbach case is that it undermines the weak attempts being made for a reconciliation between the Germans and the Jews. It is regrettable that the judges were Nazis and that the Bavarian Minister of Justice, who conducted an unscrupulous propaganda campaign against the defenseless Auerbach and who had to resign his post, was not also indicted."

The same paper also carried a declaration made by the American Association of Former Inmates of Concentration Camps and Other Victims of Nazi Persecution, signed by its chairman, Dr Armand Eisler, and a member, Paul Stein. The declaration read in effect: "Auerbach committed suicide in desperation. He was a front rank fighter who tried to make good for wrongs perpetrated by the Nazis. This tragedy should make all people of good will realize that nothing is to be gained from a campaign of hate. The injustice done, however, should be corrected." (47)

III. COMMUNIST PRESS REACTION

[Highly critical of the Auerbach case proceedings, Communist and pro-Communist newspapers pointed out that since the Bonn government was corrupt throughout, it undoubtedly was not concerned with the removal of Auerbach for corruption, but was interested rather in the revival of anti-Semitism in Germany through the rise of Nazism. This, according to the Communist press, is in accordance with US policy, which was responsible for the rise and fall of Auerbach.]

An article entitled "A Victim of Bonn Anti-Semitism," which appeared in the 21 August 1952 issue of Neues Deutschland, SED organ of East Germany, was reproduced in its entirety in the following Yiddish-language newspapers: Naje Presse, Paris, pro-Communist; Morning Freiheit, New York, pro-Communist; and Folks-Sztyme, Warsaw, Communist. Salient features of the article were as follows:

"The sentence and suicide of Philipp Auerbach in Munich has provoked justifiable indignation in Germany and abroad. Since Bonn corruption is so well known, the Adenauer clique is not concerned with removing corruption in the Auerbach case, but has undoubtedly gone into the question of reviving anti-Semitism in West Germany, which was the real reason why a prominent Nazi was chosen to be the judge in this trial. The anti-Semitic intention was further emphasized when the beginning of the trial was set for a day during the Passover holiday period.

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"It is also significant that the trial took place when the German-Israeli negotiations were taking place, regarding reparations for damages suffered by Jews.

"The history of Auerbach is simultaneously the history of US policy in West Germany. As head of the Bavarian Restitution Office, Auerbach received special support from the US government at a time when it had to appear to the outside world as antifascist. However, at that moment when Washington, in collaboration with Adenauer, decided to remilitarize and renazify West Germany, preparatory to war, Auerbach was dropped in favor of former Nazi war criminals.

"The Auerbach case in West Germany, therefore, indicates that the Bonn warmongers are following in Hitler's footsteps in the field of racial hatred and anti-Semitism, because now, with the aid of their friends in the US, they hope to realize Hitler's unsuccessful plans.

"The indignation caused in the world by Auerbach's suicide indicates, however, that peace-loving nations will not permit the repetition of a Hitler regime of terror. It is obvious that the Bonn anti-Semites will meet the same fate as their predecessor Hitler." (48, 49, 50, 51)

M. Vilner wrote in the Paris Naje Presse of 21 August 1952 that the entire case against Auerbach was organized by West German government circles and represented the implementation of a diabolical anti-Semitic plot aimed at attacking the conduct of Jews generally. He pointed out that the Nazis undoubtedly succeeded in this respect and that had really been the reason why the Munich Jews had conducted such vigorous demonstrations at Auerbach's trial and funeral.

Vilner further brought out that Auerbach was no real representative of Jews and had sold himself to the devil [Nazis and US], who had exploited him and disposed of him when it was expedient to do so. The writer asserted that the Jews should have been able to determine even before the Auerbach case that organized anti-Semitism was prevailing in West Germany, as well as in all imperialistic warmongering states.

In conclusion, Vilner predicted that the Jews, together with all the peace-loving nations and people, would participate in the justifiable fight against anti-Semitism and win it as loyal and free individuals who are not in the habit of catering to or making pacts with the enemy. (52)

An article by P. Novik in the New York Morning Freiheit of 27 August 1952 asserted that Auerbach's suicide may serve as a warning that the Jewish policy of conducting negotiations with the Adenauer government and that the Washington policy of collaboration with the Federal Republic of Germany is suicide from the standpoint of US and Jewish interests. Among other things, the article stated:

"It is a pity that world Jewish leadership did not see fit to do much about the Auerbach case.

"The fact that Auerbach was not a leftist and carried all the recommendations of so-called respectable Jews did not save him. It is perfectly clear that prior to Auerbach's arrest, the matter of restitution to Nazi victims became a farce in proportion to the rise of Nazi power in Germany. The question of Auerbach's guilt has not yet been confirmed, but this question is merely incidental to the colossal crime inherent in the fact that three out of five judges who tried and sentenced him were "former" Nazis.

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It is no wonder that the Jews in Munich called this affair another "dreyfuss case." It is no wonder that Auerbach answered the sentence with suicide after declaring his innocence.

Moreover, the German press not only upheld the Nazi judgment against the Jewish restitution head but even declared that Jews in general were just as Hitler had said they were.

The trial and suicide of Auerbach indicate not only that the Nazis in the Federal Republic of Germany feel very secure, but also that the Nazis who occupy court and government positions in West Germany have gone into action.

Apparently, general anti-Semitism in West Germany is not enough. It is also not enough when a paper there comes out with a story that the Jews built the crematoriums themselves after the war in order subsequently to accuse the Hitler regime of having burned million of Jews. Something had to be started later against Auerbach on a large scale. The action of Nazi judges has initiated Hitlerite agitation against the Jewish people and places a stamp of approval on Hitlerite activity.

"It is a wonder that the Auerbach case has not gone unmentioned in the US press, just as so many other things pertaining to Nazi activity in West Germany have been omitted. Apparently, Auerbach's sentence, his suicide, and the attack on the Jews who conducted a demonstration at the funeral were too much to bypass, especially when a newspaper like the Manchester Guardian in England condemned the trial against Auerbach as a horrible episode in which Jews have been officially delivered into the hands of Hitlerite judges!

"Dr Margoshes wrote in the 19 August 1952 issue of Der Tag: 'Seemingly the German government gave no thought to the possibility that the presence of former Nazis in the court that was to pass judgment on the Jewish defendant would make a bad impression on public opinion and lead to the belief that the trial was not conducted fairly and impartially.' Such a 'diplomatic' statement would be ludicrous if the matter were not so tragic. Not only is it permissible for Nazis to sit in West German courts, but Nazis also sit in the Adenauer government. Apparently, the fact that Adenauer and his Jew-hating cohorts favor the judgment of Jews by Nazis does not occur to Dr Margoshes.

"It has been asked: How is it that Auerbach, who was appointed to his post by the US occupation forces and was responsible to them, was permitted to be sentenced by Germans? However, a more important question is, how is it that the occupation forces permitted Nazis to act as judges? How can authority be given to persons who had helped Hitler eliminate millions of Jews? This is not hard to understand when it is realized that even the US administration in West Germany is comprised of anti-Semites, and that pro-Nazism and anti-Semitism go hand in hand."(53)

[Margoshes' article which contained the above statement did appear in the anti-Communist New York Yiddish-language daily Der Tag of 19 August 1952. Margoshes also asserted: "It goes without saying that Jewish public opinion is not at all concerned with protecting Jewish criminals. Had Auerbach and Orenstein been proved guilty by an honest and unprejudiced court of justice, no Jewish hand would have been raised to protect the culprits from the consequences of their own actions. Jews are no angles, and they take for granted that some of them, succumbing to temptation, should commit crimes. But then, to be recognized as criminals, these Jews must be found guilty by a responsible and unprejudiced court. No one can maintain with any degree of justice that the German court in Munich, with its majority of Nazi judges, could fall into this category.

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"As was to be expected," Margoshes continued, "the German press had a field day smearing as criminals not only Auerbach and Orenstein, who were convicted, but all Jews in Germany and throughout the world. Perhaps that was the real intention behind the verdict handed down against Auerbach and Orenstein. Be that as it may, fair-minded men and women everywhere will concur with Jewish public opinion that in the interest of justice and fairness, the Auerbach and Orenstein case should be appealed to a higher court, preferably outside the boundaries of Germany." (54)

The pro-Communist Canadian Vochenblatt of 21 August 1952 that Jewish circles everywhere, while not condoning the crimes of the accused, nevertheless angrily condemned the trial by a Nazi-rigged court. According to the paper, these circles stated that in view of the Nazi crimes, persons belonging to the Nazi Party and associated with its policies, are unfit and have no right to judge Jews. (55)

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